

## **Proffers**

**Eastwood Properties, Inc.**

**RZ 2013-LE-013**

**September 13, 2013**  
**Revised November 12, 2013**  
**Revised November 18, 2013**  
**Revised December 6, 2013**  
**December 12, 2013**  
**December 30, 2013**  
**Revised February 5, 2014**  
**Revised February 12, 2014**  
**Revised February 24, 2014**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owners and Applicant, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 91-1((1))18, 19, 20 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the R-8 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

### **I. GENERAL**

1. Substantial Conformance. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the General Development Plan (GDP), prepared by Charles P. Johnson & Associates, Inc., consisting of 11 sheets, dated April 30, 2013, some revised through February 25, 2014.
2. Maximum Lot Yield. The development shall consist of a maximum of 14 single family attached units.
3. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lots or house locations at the time of site plan submission provided there is no decrease in the amount of open space, tree save, limits of clearing and grading, or

distances to peripheral lot lines as shown on the GDP, and provided that the adjustments are deemed in substantial conformance with the GDP by Fairfax County.

4. Establishment of HOA. Prior to site plan approval, the Applicant shall either provide the Department of Public Works and Environmental Services (DPWES) with documentation that the subject property has been incorporated into the adjacent association or the Applicant has established a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance. The purpose of the HOA shall be, among other things, establishing the necessary residential covenants governing the use and operation of common open space and other facilities of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions, including an estimated budget for such common maintenance items.
5. Dedication to HOA. At the time of record plat recordation, the open space and common features/amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.
6. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility for the private roadways, walkways, stormwater management facilities, tot lot, common area landscaping and any other open space amenities and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures.
7. Signs. No temporary signs (including "popsicle" style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant's direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.
8. Universal Design. At the time of initial purchase, if the house is not constructed, the Applicant shall offer each purchaser the following universal design options at no additional cost:
  - Front entrance doors that are a minimum of 36" wide;
  - Level door handles instead of knobs;
  - Light switches 44"-48" high;
  - Thermostats a maximum of 48" high; and,
  - Electrical outlets a minimum of 18" high

At the time of initial purchase, the Applicant shall offer each purchaser additional universal design options at the purchaser's sole cost. These additional options may include, but not be limited to:

- A curb-less shower, or a shower with a curb of less than 4.5" high;
- Grab bars in the bathrooms that are ADA compliant; and/or,
- A first floor bathroom console sink in lieu of a cabinet/style vanity.

9. Use of Garages, Driveways and Common Area Parking Space

- A. Individual garages shall only be used for a purpose that will not interfere with the intended purpose of parking vehicles. There shall be 4 designated parking spaces per unit, two in the garage and two in the driveway. This restriction shall be included in the homeowner's association documents prepared for the Application Property.
- B. No parking of recreational vehicles (RVs), boats or trailers shall be permitted on the private streets or shared driveways. This restriction shall be included in the homeowner's association documents prepared for the Application Property.
- C. Owners shall be advised of the above use restrictions which shall be included in the initial lease/sales documents.
- D. Common area parking shall remain available for use by residents and guests and shall not be sold or assigned to specific units and/or owners.

**II. TRANSPORTATION**

- 10. Right-of-Way Dedication along Franconia Springfield Parkway, Route 289. At the time of site plan approval, or upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple, without encumbrances, to the Board, the right-of-way along the site frontage of the Franconia Springfield Parkway and any associated ancillary easements, as generally shown on the GDP. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.
- 11. Public Access Easement. At the time of record plat recordation, the Applicant shall cause to be recorded among the land records a public access easement running to the benefit of Fairfax County, in a form acceptable to the County Attorney, over the private road and sidewalks as generally shown on the GDP.
- 12. Reservation of Right-of-Way for Cul-de-Sac. The Applicant shall reserve right-of-way for a future cul-de-sac to be constructed by others at the terminus of Barbara Road as shown on the GDP. This land area shall be dedicated to the Fairfax County Board of Supervisors upon demand by Fairfax County or VDOT. The Applicant may utilize this land, to include landscaping, until such time as dedication occurs. In the event the land is dedicated, any landscaping may be removed.

13. Dedication of Right-of-Way, Barbara Road. At the time of site plan approval, or upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple, without encumbrances, to the Board, the right-of-way along Barbara Road and any associated ancillary easements, as generally shown on the GDP. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.
14. Ingress/Egress Easement for Road Connection. The Applicant shall dedicate a public ingress/egress easement for a future connection to be constructed by others, as shown on Sheet 11 of the GDP provided the following conditions have been met: 1) the separated grade interchange currently shown on the Comprehensive Plan at the intersection of the Springfield Franconia Parkway and Beulah Road is fully funded, and 2) as part of the interchange plan, the intersection of Alforth Avenue and Beulah Road is to be closed, and 3) it is shown to the Applicant that alternative connection points such as Judith Avenue extended to Alforth Avenue have been considered and rejected.
15. Signal Timing/Double Yellow Line. Prior to site plan approval, the Applicant shall request of VDOT, a modification to the timing of the sensor at the signal at Beulah Road and Windsor Avenue to allow more time before the light turns red on the Windsor Avenue leg and an extension of the existing double yellow center line on Windsor Avenue from its current terminus to Windham Avenue.
16. Safety Signage. The Applicant shall coordinate with the Windsor Estates Civic Association for the installation of signage to be erected during the construction phase along Windsor Avenue, Windham Avenue and Barbara Road which indicates "Slow Children", "Children at Play" or other wording to be coordinated with Windsor Estates Civic Association. If such signage is proposed within any existing right-of-way, it shall be subject to VDOT approval.
17. Barbara Road Construction Entrance. The Applicant shall design the temporary construction entrance off of Barbara Road in such a manner that reasonably avoids the existing water meter that is currently in the right-of-way and clear only that vegetation necessary for the construction entrance, as approved by DPWES. The Applicant shall also design the drainage elements associated with the construction entrance so as to avoid any drainage impacts to Lot 12, as approved by DPWES. Further, if allowed by VDOT/Fairfax County, the Applicant shall replace any fencing removed and any vegetation or grassed areas disturbed within the existing right-of-way of Barbara Road by the temporary construction entrance.
18. Timing of Construction Entrances. Prior to site plan approval, the Applicant shall diligently pursue agreement with the Devonshire HOA to allow construction access via Alforth Avenue as described in this proffer. Barbara Road shall be utilized as a construction entrance, subject to VDOT approval, for the construction of no more than two townhouse sticks and at such time as curb and gutter and base paving is installed on

the internal private streets, the construction access shall shift to Alforth Avenue, if an agreement is reached with Devonshire HOA.

### III. ENVIRONMENTAL

19. Noise. The Applicant shall employ the following acoustical treatment measures for the dwellings/lots identified below on the GDP to ensure an interior noise level of no greater than DNL 45 dBA and the following other acoustical treatments to ensure an exterior noise level of no greater than DNL 65 dBA in the rear yards in accordance with the noise attenuation standards in the Comprehensive Plan.

#### Homes on Lots 4 and 5:

- Exterior sided walls shall have resilient channels between the exterior wall studs and gypsum board on the second floor and two layers of gypsum board over the resilient channels on the ground and first floors. Note that this shall not apply to walls that are all brick.
- Swinging doors shall have an STC rating of 43. This may be achieved by using an STC 32 door in combination with an STC 32 full-view storm door.
- Sliding doors shall have an STC rating of 33.
- There shall be no ground floor windows or first floor windows on the ends of the units. All other windows on the ground floor and first floor shall have an STC rating of 34.
- Windows for bedrooms, bathrooms and walk-in closet (WIC) shall have an STC rating of 33 but an STC rating of 32 is acceptable if there are no windows on the ends of the units.

#### Homes on Lots 3 and 6

- Exterior sided walls shall have resilient channels between the exterior wall studs and gypsum board. Note that this shall not apply to walls that are all brick.
- Swinging doors shall have an STC rating of 32.
- Sliding doors shall have an STC rating of 29.
- Windows on the ground and first floors shall have an STC rating of 33.
- Windows for bedrooms/WIC/bathrooms shall have an STC rating of 30.

#### Homes on Lots 2 and 7

- Exterior sided walls of the ground and first floors shall have resilient channels between the exterior wall studs and gypsum board. Note that this shall not apply to walls that are all brick.
- Swinging doors shall have an STC rating of 27.
- Windows on the ground and first floors shall have an STC rating of 30.

- Windows for bedrooms/WIC/bathrooms shall have an STC rating of 29.

Homes on Lots 1 and 8

- Swinging doors shall have an STC rating of 24.
- Windows for the bedrooms, bathrooms, WIC, and the ground and first floors shall have an STC rating of 28.

Exterior noise levels for outdoor areas within the rear yards of the lots shall be at or below DNL 65 dBA. A noise barrier, architecturally solid from the ground up with no gaps or openings, 8 feet in height, as shown on the GDP, shall be constructed. Any noise attenuation measures shall be subject to the review and approval of the Environmental Branch of the Department of Planning and Zoning.

20. Energy Conservation. To promote energy conservation and green building techniques; the Applicant shall select one of the following programs, within its sole discretion at time of site plan submission.
- A. Certification in accordance with the Earthcraft House Program as demonstrated through documentation provided to DPWES and the Department of Planning and Zoning (DPZ) prior to the issuance of a Residential Use Permit (RUP); or
  - B. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and the Environment and Development Review Branch of DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling unit/building; or
  - C. Qualification in accordance with ENERGY STAR® for Homes as determined by the submission of documentation to the Environment and Development Review Branch of the Department of Planning and Zoning from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR® for Homes qualification prior to the issuance of the RUP for each dwelling.
21. Landscaping. Landscaping shall be generally consistent with the quality, quantity and the locations shown illustratively on the GDP and shall be a non-invasive species. At the time of planting, the minimum caliper for deciduous trees shall be two (2) to two and a half (2 ½) inches and the minimum height for evergreen trees shall be seven (7) feet. Actual types, locations and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of submission of the subdivision plans for review and approval by the Urban Forestry Management Division (UFMD). Such landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by the Urban Forester. The Applicant reserves the right to make

minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, provided such relocated landscaping shall retain a generally equivalent number of plantings as shown on the approved GDP.

22. Limits of Clearing and Grading. The Applicant shall conform substantially to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities. Any trees impacted within the limits of clearing and grading as specified above shall be replaced on the site as determined by UFMD and the Chesapeake Bay Preservation Ordinance.
23. Tree Preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for individual trees located ten (10) feet within the tree save area living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and 25 feet outside of the proposed limits of clearing and grading. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, determined by the certified arborist shall be included in the plan.

24. Tree Preservation Walk-Through. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's designated representative shall walk the limits of clearing and grading with an UFMD, DPWES, representative and a representative from the Lee District Land Use Committee to determine where adjustments to the clearing limits can be made to increase the area of tree preservation, increasing the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing

as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

25. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence is done per the root pruning guidelines contained in these proffers. Fencing shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of the Applicant's designated representative, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

26. Tree Appraisal. The Applicant shall retain a certified arborist, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by the project arborist and/or UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement of the trees shall be determined by the Fairfax County Public Facilities Manual and by UFMD. Upon release of the bond for the improvements on the Application Property constructed adjacent to the



respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

27. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. Root pruning shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. Root pruning shall be accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
  - Root pruning shall be done with a trencher or vibratory plow to a minimum depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures and in conjunction with the installation of all super silt fence being used as tree protection fence.
  - Root pruning shall be conducted with the supervision of the Applicant's designated representative.
  - A UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
28. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant's designated representative shall monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
29. Stormwater Management Facilities and Best Management Practices. Unless waived or modified, stormwater management shall be provided as generally depicted on the GDP and as approved by DPWES. The requirements for maintaining non-County maintained stormwater management (SWM) improvements shall be in a standard maintenance agreement between the County and the Applicant who is the land owner, its successor and assigns. This agreement shall be recorded in the County land records and run with the land. Should any deficiencies in the existing SWM or BMP facilities/improvements be identified by the Stormwater Management Maintenance Division during regular inspections, or when investigating a drainage complaint, then maintenance shall be performed in reasonable fashion and time in accordance with the recorded maintenance agreement.
30. Re-vegetation. The portion of the existing driveway on the subject property that encroaches into Lot 11C (approximately 522 square feet) shall be removed and the area shall be re-vegetated with 1 category IV tree, 5 seedlings, and 13 shrubs, as reviewed and approved by Urban Forestry Management, provided consent for the removal of the driveway and the installation of these plantings is provided by the property owner of Lot 11C. It is noted that the amount of plantings required by this proffer is equivalent to that required by the Public Facilities Manual for Resource Protection Area re-vegetation.

31. Reforestation Easement. At the time of subdivision plat recordation, the Applicant shall cause to be recorded among the land records reforestation easements running to the benefit of Fairfax County for the areas generally shown on the GDP as "Reforestation Easement".
32. Off-Site Trees. Tree number 51 as shown on the GDP shall be removed provided written consent is obtained from the respective property owner. At the time of site plan review, the status of Tree numbers 55 and 56 shall be reevaluated in consultation with the UFM to determine if other reasonable measures of protection can be implemented to try to save the trees. If not, the trees will be removed provided written consent is obtained from the respective property owner.
33. Lot 14. The Applicant shall include as part of the landscaping plan, 6 to 8 native species evergreen trees on Lot 14 along the southern lot line. Given that these trees will be located on private lot, future homeowners shall have the discretion to remove the trees. Prospective purchasers of Lot 14 shall be notified of this proffer prior to entering a purchase agreement.
34. Landscaping in Reserved Area. Provided the area shown to be reserved on the GDP is not dedicated at the time of site plan approval, the Applicant shall plant landscaping in this area to continue the transitional screening along that lot line, as approved by UFMD.
35. Off-Site Tree Planting. The Applicant shall coordinate with the owner(s) of Lots 39 and 119 in Windsor Estates to provide four (4) to six (6) evergreen and/or deciduous trees in the northeast corner of Lot 39 and four (4) to six (6) evergreen and/or deciduous trees the southeast corner of Lot 119 to provide a screen to the proposed development, if approval is obtained from the respective property owner(s).

#### IV. CONTRIBUTIONS

36. Housing Trust Fund. Prior to site plan approval, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings. The projected sales price shall be based upon the aggregate sales price of all of the units, as if those units were sold at the time of the issuance of the first building permit and is estimated through comparable sales of similar type units.
37. Recreation Contribution. At the time of subdivision approval, the Applicant shall contribute the sum of \$31,255 for use at off-site recreational facilities intended to serve the future residents, as determined by Fairfax County Park Authority (FCPA). The Applicant shall coordinate with the Lee District Supervisor as to specific beneficiary of the contribution.

38. Public Schools. A contribution of \$41,952 (4 students X \$10,488) shall be made to the Board of Supervisors for transfer to Fairfax County Public Schools (FCPS) and shall be designated for capital improvements at Hayfield High School, specifically for the installation of the turf field. If the turf field has already been installed at the time this contribution is due, then the contribution shall be utilized for as a maintenance fund for said field. The contribution shall be made at the time of, or prior to, site plan approval. Following approval of this Application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the ratio of students per unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current contribution. In addition, notification shall be given to FCPS when construction is anticipated to commence to assist FCPS by allowing for the timely projection of future students as a part of the Capital Improvement Program.
39. Escalation. All monetary contributions required by these proffers shall escalate on a yearly basis from the base year of 2013, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.

## V. MISCELLANEOUS

40. Tot Lot. The Applicant shall construct a tot lot as shown on the GDP with at least three of the following elements: slides, swings, balance beams, spring animals and/or spring pads, play structures, spinarounds, horizontal bars, climbers, as recommended by the Public Facilities Manual. The tot lot may be removed or replaced in the future by the HOA with an alternative passive or active recreational amenity including but not limited to a grassed play area or seating area, without a proffered condition amendment.
41. Construction Hours. The hours of construction shall be posted in English and Spanish and shall be limited to the hours between 7 am and 9 pm Monday through Friday and 8 am to 9 pm on Saturdays. No construction shall occur on Sundays or Federal Holidays. This shall be disclosed to all contractors and sub-contractors who perform work on the Property during site construction.
42. Construction Management. Prior to commencement of construction on the property, the Lee District Supervisor and the presidents of the adjacent homeowners association shall be provided with the name, title and phone number of the person to whom comments and/or complaints regarding construction activities may be directed. A sign with this information shall be posted on-site prior to commencement of construction activities and shall be updated and retained through construction activities.
43. Construction Traffic. Prior to the commencement of construction on the property, the Applicant shall coordinate with the Lee District Supervisor's office to request additional

police presence within the Windsor Estates subdivision during approved construction hours for approximately one month from the start of construction. The Applicant shall also coordinate with Fairfax County Public Schools to obtain the bus stop times for any public school elementary school buses that travel the proposed construction route on Barbara Road, Windham Avenue and Windsor Avenue and shall position a flagman at or near each of the bus stops 10 minutes before each bus arrives until the bus leaves the stop for the AM pick up and the PM dropoff.

44. Color. The color of the non-brick sides of the townhouses shall be earthtone, not white.

#### **Successors and Assigns**

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

#### **Counterparts**


These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

**EASTWOOD PROPERTIES, INC.**  
**A Virginia Corporation**

Agent/Attorney-in-Fact for Mildred Houchens,  
Title Owner of TM No. 91-1((1))19,  
Agent/Attorney-in-Fact for Robin Leigh  
Knickerbocker and James Douglas Knickerbocker,  
Title Owners of TM 91-1((1))18 and Contract  
Purchaser of TM Nos. 91-1((1))18, 19, 20.

By: Eastwood Properties, Inc.

Name   
Richard L. Labbe

Title: President/Secretary/ Treasurer

**BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA**

Title Owner of TM 91-1((1))20

By: Edward L. Conner

Name: Edward L. Conner

Title: County Executive